

## REMARKS

Claims 68-87, 95, 97-100, 102, and 103 are pending and stand rejected. The applicant has amended claims 68-70, 72-77, 79, 80, 82-84, 86, 87, 95, 98, 102, and 103. The applicant respectfully requests reconsideration and allowance of the pending claims in light of the following.

### **I. Claim Rejections Under 35 U.S.C. § 103 (Alcorn and Davis)**

The Final Action rejected claim 68-87, 95, and 97-100, 102, and 103 under U.S.C. § 103(a) as being unpatentable over U.S. 5,643,086 to Alcorn et al., hereinafter “Alcorn,” in view of U.S. 5,539,828 to Davis, hereinafter “Davis.” The applicant has amended claims 68-70, 72-77, 79, 80, 82-84, 86, 87, 95, 98, 102, and 103. The applicant respectfully requests reconsideration in light of the following.

#### **A. Claims 68-74**

Each of claims 68-74 is directed to a system comprising, among other things, an authorization agent apparatus configured to “transmit an authentication algorithm to said gaming machine, the authentication algorithm including at least one instruction arranged for processing by said gaming machine to authenticate said gaming software.” The applicant respectfully submits that the proposed combination of Alcorn and Davis does not teach or otherwise render obvious such aspects of claims 68-74.

On pages 3-4, the Final Action states:

Alcorn also teaches a private key stored custodially by a third party used for verifying memory contents encrypted using the key and decrypted using a public key. This modification would allow the authentication agent's (gaming commission's) authentication agent apparatus to send an algorithm to the gaming machine over the network, verify the contents of the gaming device's memory devices using the verification algorithm (most likely and encryption key), and compare the result of the verification of the gaming device's memory contents with the custodial version held by the gaming commission. (Emphasis Added.)

On page 4, the Final Action further states:

Alcorn specifically teaches generating a hash from the contents of ROM 29 and comparing it with the custodial version held by the gaming authority (8:38-53); this could be done by the gaming commission sending a key to the gaming device, the key not being known to the gaming device until received, the gaming device generating a hash message of the ROM 29's contents and sending them back to the gaming commission, and the gaming commission comparing the hash message to its own custodial version of ROM 29. This modification would have the advantage of enabling the gaming commission to remotely verify the contents of ROM 29 which contains the program used to verify the other memory contents of the gaming machine, by using a verification algorithm or a key which is not known to the gaming device until the time of verification; this would have the advantage of preventing any unauthorized modifications to the authentication program in ROM 29 since the algorithm will not be known in advance, and the verification process could happen at any time for any reason. (Emphasis added.)

The applicant respectfully disagrees with the above assessment of Alcorn and Davis. In particular, the Final Action appears to equate “a key” with an “algorithm.” The applicant respectfully submits that one skilled in the art would readily appreciate that “a key” is data and an “algorithm” defines a process for manipulating and/or generating data based on input data (e.g., a key). In order to bring such distinctions further to light, the applicant has amended claim 65 such that the authentication algorithm includes at least one instruction arranged for processing by said gaming machine to authenticate said gaming software. While Alcorn and/or Davis may teach transmitting a key that is processed by an authentication algorithm (e.g., the Alcorn authentication program stored in unalterable ROM 29), the applicant has been unable to locate any teaching in Alcorn and/or Davis of transmitting the authentication algorithm itself to a game machine.

As explained at page 16, 30-36 of the instant application, transmitting the authentication algorithm may permit each compliance agency to define their own unique math instructions for generating an authentication ID for that jurisdiction. The applicant respectfully points out this gives the compliance agencies more control of the authentication process than simply enabling each compliance agency to use their own key. Instead of merely providing some data (e.g., a key) to a static authentication algorithm such as the Alcorn authentication program stored in the unalterable ROM 29,

each agency may transmit their own authentication algorithm of instructions to the game machine for execution. Neither Alcorn nor Davis appear to teach or otherwise render obvious the claimed flexibility of being able to transmit the authentication algorithm to the game machine for execution. In fact, Alcorn appears to teach away from such flexibility in that Alcorn teaches storing the authentication program in an unalterable ROM 29 so as to prevent the authentication program from being changed.

**B. Claims 75-78**

Each of claims 75-78 is directed to a method that comprises, among other things, “transmitting an authentication algorithm from said external authentication agent apparatus to said gaming machine, the authentication algorithm comprising a plurality of instructions to be executed by said gaming machine.” The applicant respectfully submits that the reasons presented above in regard to claims 68-74 are generally applicable to the patentability of claims 75-78. Accordingly, the applicant respectfully requests withdrawal of the present rejection of claims 75-78 for reasons similar to those presented above in regard to claims 68-74.

**C. Claim 79**

Claim 79 is directed to a gaming machine comprising, among other things, “a process to ... process an authentication algorithm received via the interface, and wherein the authentication algorithm comprises a plurality of instructions to be executed by the processor of said gaming machine to authenticate said data files of games.” The applicant respectfully submits that the reasons presented above in regard to claims 68-74 are generally applicable to the patentability of claim 79. Accordingly, the applicant respectfully requests withdrawal of the present rejection of claims 79 for reasons similar to those presented above in regard to claims 68-74.

**D. Claims 80-87**

Each of claims 80-87 is directed to a method that comprises, among other things, “transmitting via a communication link an authentication algorithm to said gaming machine from an authentication agent apparatus, the authentication algorithm including at least one instruction arranged for processing by said gaming machine to derive an outcome of said one or more program files.” Again, the applicant respectfully submits that the reasons presented above in regard to claims 68-74 are generally applicable to the patentability of claims 80-87. Accordingly, the applicant respectfully requests withdrawal of the present rejection of claims 80-87 for reasons similar to those presented above in regard to claims 68-74.

**E. Claims 95, 97-100, 102, and 103**

Each of claims 95, 97-100, 102, and 103 is directed to a system that comprises, among other things, "an authentication agent apparatus ... configured to: transmit an authentication algorithm to said gaming machine, the authentication algorithm comprising a plurality of instructions to be executed by said gaming machine to derive an outcome of said authentication algorithm applied to at least said portion of said gaming machine." Again, the applicant respectfully submits that the reasons presented above in regard to claims 68-74 are generally applicable to the patentability of claims 95, 97-100, 102, and 103. Accordingly, the applicant respectfully requests withdrawal of the present rejection of claims 95, 97-100, 102, and 103 for reasons similar to those presented above in regard to claims 68-74.

**II. Final Matters**

The Final Action makes various statements regarding: the pending claims; the Alcorn and Davis references; 35 U.S.C. § 103; and the state of the art that are now moot in view of the previously presented amendments and/or remarks. Thus, the applicant has not addressed all of such statements at the present time. However, the applicant expressly reserves the right to challenge any of such statements in the future should the need arise.

## CONCLUSION

The applicant submits that the pending claims are in condition for allowance. The applicant thus requests an expeditious notice of allowability with respect to all pending claims. If the examiner disagrees, the applicant requests an Examiner Interview to discuss the pending claims and the restriction/election requirement. The applicant invites the examiner to contact the undersigned at 312-238-8600 to arrange such an interview.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: May 24, 2010

Respectfully submitted,

/Jeffrey B. Huter/  
Jeffrey B. Huter  
Reg. No. 41,086  
Attorney for the Applicants

McANDREWS, HELD & MALLOY, LTD.  
500 W. Madison, Suite 3400  
Chicago, IL 60661  
Telephone: (312) 775-8000  
Direct: (312) 238-8600